

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FADI A. SALAHIE,

Plaintiff,

CASE NO. 09-14223
HON. LAWRENCE P. ZATKOFF

v.

DEPARTMENT OF HOMELAND
SECURITY, DISTRICT DIRECTOR and
FEDERAL BUREAU OF INVESTIGATION,

Defendants.

/

OPINION AND ORDER

AT A SESSION of said Court, held in the
United States Courthouse, in the City of Port Huron,
State of Michigan, on the 6th day of May, 2010

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

On March 10, 2010, following a Motion for Withdrawal of Attorney filed by Roger R. Rathi and the Motion to Dismiss as moot the instant cause of action filed by Defendants, the Court issued Plaintiff Fadi A. Salahie (“Plaintiff”) an Order to Show Cause. In relevant part, the Order to Show Cause stated (bold in original):

For the foregoing reasons, the Court hereby:

- (1) ORDERS Plaintiff to FILE WITH THE COURT A WRITTEN RESPONSE to Mr. Rathi’s motion for withdrawal, wherein Plaintiff must indicate whether he agrees with Mr. Rathi’s request and, if so, whether Plaintiff desires to proceed in *pro se* or have 30 days to secure new counsel; and

* * * * *

(5) ORDERS that, in the event Plaintiff does not accept delivery of the Order to Show Cause (or the Order to Show Cause is returned as undeliverable), Mr. Rathi shall immediately file with the Court documentation to evidence the same.

* * * * *

Finally, Plaintiff is hereby notified that if he fails to respond to this Order to Show Cause, whether it be voluntarily after receiving the Order to Show Cause or because service is not possible, the Court shall promptly: (a) grant Mr. Rathi's Motion for Withdrawal, and (b) address the merits of Defendants' motion to dismiss.

Since the Order to Show Cause was issued, Mr. Rathi complied with the Court's instructions and sent via certified mail, return receipt requested, a copy of the Order to Show Cause to Plaintiff at Plaintiff's last known address. Plaintiff failed to accept delivery of the Order to Show Cause as demonstrated by the photocopy of the envelope prepared by Mr. Rathi that was returned as undeliverable. Accordingly, as set forth in the Order to Show Cause, the Court hereby GRANTS Mr. Rathi's Motion for Withdrawal.

In addition, the Court shall address the merits of Defendants' Motion to Dismiss. Plaintiff filed a complaint for mandamus seeking an order compelling United States Citizenship and Immigration Services ("CIS") to adjudicate his Form N-400, Application for Naturalization. As set forth in Defendants' brief, including Exhibit A thereto, CIS issued a decision on March 3, 2010, wherein CIS concluded that Plaintiff was ineligible for naturalization because he failed to appear to update his fingerprints and, therefore, failed to prosecute his application. Based on the CIS's March 3, 2010 decision, the Court finds that Plaintiff has obtained the relief requested in his complaint (*i.e.*, an adjudication of his Form N-400). Accordingly, the Court hereby GRANTS Defendants' Motion to Dismiss as moot Plaintiff's cause of action.

In conclusion, and for the reasons set forth above, the Court hereby GRANTS: (1) Mr. Rathi's Motion for Withdrawal (Docket #7); and (2) Defendants' Motion to Dismiss (Docket #8). Judgment shall be entered accordingly.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: May 6, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 6, 2010.

S/Marie E. Verlinde
Case Manager
(810) 984-3290